

EXHIBIT “B-1”

New Mexico Courts

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Case Detail

Christina Smith, et. al., v. Home Depot USA Inc.

CASE DETAIL

CASE NUMBER	CURRENT JUDGE	FILING DATE	COURT
D-1116-CV-201400406	Marsh, Daylene	04/08/2014	FARMINGTON/AZTEC DISTRICT

PARTIES TO THIS CASE

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
D	Defendant	1	HOME DEPOT USA INC.
			ATTORNEY: ALLEN MEENA H.
P	Plaintiff	1	SMITH CHRISTINA
			ATTORNEY: TITUS VICTOR A.
P	Plaintiff	2	SMITH LOREN
			ATTORNEY: TITUS VICTOR A.

CIVIL COMPLAINT DETAIL

COMPLAINT DATE	COMPLAINT SEQ #	COMPLAINT DESCRIPTION	DISPOSITION	DISPOSITION DATE
04/08/2014	1	OPN: COMPLAINT		
COA SEQUENCE #	COA DESCRIPTION			
1	Tort: Personal Injury Non Auto			
PARTY NAME		PARTY TYPE	PARTY #	

REGISTER OF ACTIONS ACTIVITY

EVENT DATE	EVENT DESCRIPTION	EVENT RESULT	PARTY TYPE	PARTY #	AMOUNT
09/04/2014	CERTIFICATE OF SERVICE				
	Certificate of Service				
09/03/2014	CERTIFICATE OF SERVICE				
09/03/2014	Jury Demand 6 Person/No Fee EF				

09/03/2014	ANSWER				
	Defendant Home Depot U.S.A., Inc.'s Answer to Plaintiff's Complaint for Personal Injuries				
09/03/2014	ENTRY OF APPEARANCE				
	Entry of Appearance				
05/08/2014	JURY DEMAND 6 PERSON				
	Demand for Jury Trial				
05/07/2014					
04/08/2014	OPN: COMPLAINT				
	Complaint				

JUDGE ASSIGNMENT HISTORY			
ASSIGNMENT DATE	JUDGE NAME	SEQUENCE #	ASSIGNMENT EVENT DESCRIPTION
04/08/2014	Marsh, Daylene	1	INITIAL ASSIGNMENT

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EXHIBIT “B-2”

FILED IN MY OFFICE
DISTRICT COURT CLERK
4/8/2014 11:40:18 AM
WELDON J. NEFF

COUNTY OF SAN JUAN
STATE OF NEW MEXICO
ELEVENTH JUDICIAL DISTRICT COURT

ael

CHRISTINA SMITH and LOREN SMITH, Husband and Wife

Plaintiff,

v.

No. D-1116-CV-2014-00406

HOME DEPOT USA, INC.
Defendant .

COMPLAINT FOR PERSONAL INJURIES

COMES NOW Plaintiff , Christina Smith, by and through counsel, Victor A. Titus, Attorney at Law and for their cause of action against Defendants Home Depot U.S.A., Inc., and Sedgwick, respectfully state and allege as follows:

1. The Plaintiff is a resident of San Juan County, New Mexico.
2. Defendant Home Depot, Inc., upon information and belief is and was a corporation authorized to conduct business in the State of New Mexico was so doing at all times relevant hereto.
3. All events material hereto took place in San Juan County, New Mexico.

COUNT I v. HOME DEPOT USA, INC.

4. Plaintiff re-allege the allegations contained in paragraphs 1 through 3 above as if fully set out herein.
5. On or about June 10, 2011, Plaintiff was shopping with her husband and son at the Home Depot Garden Center in Farmington, New Mexico. Plaintiff and her family were walking towards the back of the Garden Center to the landscape bricks area. In a walkway in Plaintiff's path were several wood pallets in a row blocking the aisle. Plaintiff's son walked across the pallets and Plaintiff attempted to follow him

across the pallets. Upon taking one step on the pallets Plaintiff felt herself falling. Upon hitting the ground Plaintiff felt extreme pain, and realized her foot was stuck in the pallet. Plaintiff's husband and son had to extricate her foot from the broken pallet. During this time two Home Depot employees walked past and offered no assistance.

6. The acts of negligence of the Defendant, Home Depot USA, Inc., include but are not limited to:
 - a. Setting pallets in the walkway
 - b. Failure to warn or guard against the walkway hazard of placing pallets.
 - c. Creating a hazard in the walkway Defendant knew or should have known their business invitees would walk on them.
7. In the fall, Plaintiff injured her left foot.
8. Plaintiffs' injuries have caused her damages, including, but not limited to:
 - a. Medical expenses in the past and medical expenses to be incurred in the future;
 - b. Loss of earnings in the past and loss of earning capacity in the future;
 - c. Non-medical expenses;
 - d. Nature, extent and duration of injuries including loss of enjoyment of life, hobbies activities and recreation.
 - e. Pain and suffering experienced in the past and to continue into the future, including both physical pain and mental suffering or emotional distress;
 - f. Loss of spousal and/or family consortium including care, comfort, companionship, and sexual relations; and
 - g. Loss of household services to the family

WHEREFORE, Plaintiffs respectfully request the Court for judgment against Defendant Home Depot USA, Inc. for compensatory damages in an amount to be determined by the trier of fact, pre-judgment interest, costs and such other relief as the Court deems just and proper.

COUNT II Loss of Consortium of Loren Smith

9 Plaintiffs re-alleges the allegations contained in paragraphs 1 through 8 above as if fully set out herein.

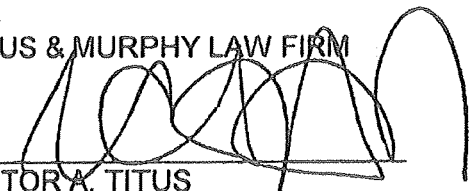
10. As a result of Defendant Home Depot's negligence as set out above, Plaintiff Loren Smith sustained injuries that have caused him damages, including, but not limited to:

- a. Pain and suffering including mental suffering or emotional distress;
- b. Loss of spousal and/or family consortium including care, comfort, companionship and sexual relations; and
- c. Loss of household services to the family.

WHEREFORE, Plaintiff Loren Smith (husband) respectfully request the Court for judgment against Defendant Home Depot USA, Inc. for compensatory damages in an amount to be determined by the trier of fact, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

TRIAL BY JURY IS DEMANDED

TITUS & MURPHY LAW FIRM



VICTOR A. TITUS
Attorney for Plaintiffs
2021 E. 20th Street
Farmington, NM 87401
(505) 326-6503

EXHIBIT “B-3”

SUMMONS	
Eleventh Judicial District Court San Juan County, New Mexico Court Address: Farmington District Court 851 Andrea Drive Farmington, NM 87401 Court Telephone No: 505-326-2256	Case No.: D-1116-CV-2014-406-6 Judge: Daylene Marsh
CHRISTINA SMITH and LOREN SMITH Plaintiff, v. HOME DEPOT USA, INC. Defendant	Defendant Name: Home Depot USA, Inc. Address: c/o Corporation Service Company 125 Lincoln Avenue 123 E. Main St. #101 Santa Fe, NM 87501

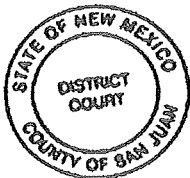
TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004- NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Farmington, New Mexico, this 7th day of Farmington 2014.

WELDON J NEFF

CLERK OF COURT

By: Lisa M. Pickett
Deputy Court Clerk Leadworker


/s/ Victor A. Titus
Signature of Attorney for Plaintiff
VICTOR A. TITUS
2021 E. 20th Street
Farmington, NM 87401
Telephone No.: (505) 326-6503
Fax No.: (505) 326-2672

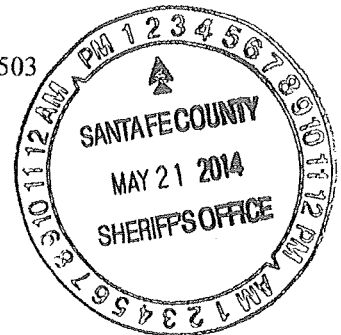


EXHIBIT “B-4”

COUNTY OF SAN JUAN
STATE OF NEW MEXICO
ELEVENTH JUDICIAL DISTRICT COURT

CHRISTINA SMITH and LOREN SMITH, Husband and Wife

Plaintiff,

v.

No. D-1116-CV-2014-00406

HOME DEPOT USA, INC.
Defendant .

DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, by and through counsel, Victor A. Titus, and hereby demand trial of the above matter by a jury of six persons and hereby deposits the sum of \$150.00 for the jury fee.

TITUS & MURPHY LAW FIRM

A handwritten signature in black ink, appearing to read 'Victor A. Titus', written over a horizontal line.

VICTOR A. TITUS
2021 E. 20th St.
Farmington, NM 87401
(505) 326-6503

EXHIBIT “B-5”

ELEVENTH JUDICIAL DISTRICT COURT
COUNTY OF SAN JUAN
STATE OF NEW MEXICO

CHRISTINA SMITH and LOREN SMITH,

Plaintiffs,

v.

Case No. D-1116-CV-2014-00406

HOME DEPOT U.S.A., INC.,

Defendant.

ENTRY OF APPEARANCE

Simone Roberts & Weiss, P.A. hereby enters its appearance on behalf of the Defendant,
Home Depot USA, Inc., in the above-entitled cause of action.

SIMONE, ROBERTS & WEISS, P.A.

“Electronically Filed”

/s/ Meena H. Allen
Meena H. Allen
Attorney for Defendant
11200 Lomas Blvd., N.E., Ste. 210
Albuquerque, NM 87112
(505) 298-9400
(505) 298-7070 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2014, I filed the foregoing electronically through the e-filing system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Victor A. Titus
2021 E. 20th Street
Farmington, NM 87401

/s/ Meena H. Allen
Meena H. Allen

EXHIBIT “B-6”

ELEVENTH JUDICIAL DISTRICT COURT
COUNTY OF SAN JUAN
STATE OF NEW MEXICO

CHRISTINA SMITH and LOREN SMITH,

Plaintiffs,

v.

Case No. D-1116-CV-2014-00406

HOME DEPOT U.S.A., INC.,

Defendant.

**DEFENDANT HOME DEPOT U.S.A., INC.'S ANSWER TO
PLAINTIFF'S COMPLAINT FOR PERSONAL INJURIES**

COMES NOW Defendant Home Depot U.S.A., Inc. (hereinafter referred to as "Home Depot"), and for its Answer to Plaintiffs' Complaint (the "Complaint"), would respectfully show the Court as follows:

FIRST DEFENSE

1. Home Depot is without knowledge or information sufficient to enable it to admit or deny the material allegations in paragraph 1 of the Complaint.
2. Home Depot admits the material allegations in paragraph 2 of the Complaint.
3. Home Depot is without knowledge or information sufficient to enable it to admit or deny the material allegations in paragraph 3 of the Complaint.

**COUNT I
V. HOME DEPOT**

4. For answer to paragraph 4 of the Complaint, Home Depot would incorporate by reference its responses to paragraphs 1 through 3 of Plaintiffs' Complaint as if those responses were set forth in full herein.

5. Home Depot is without knowledge or information sufficient to enable it to admit or deny the material allegations in paragraph 5 of the Complaint, and demands strict proof thereof.

6. Home Depot denies the material allegations in paragraph 6 of the Complaint, including all subparagraphs thereof.

7. Home Depot is without knowledge or information sufficient to enable it to admit or deny the material allegations in paragraph 7 of the Complaint.

8. Home Depot is without knowledge or information sufficient to enable it to admit or deny the material allegations in paragraph 8 of the Complaint, including all subparagraphs, and demands strict proof thereof.

COUNT II
LOSS OF CONSORTIUM OF LOREN SMITH

9. For answer to paragraph 9 of the Complaint, Home Depot would incorporate by reference its responses to paragraphs 1 through 8 of Plaintiffs' Complaint as if those responses were set forth in full herein.

10. Home Depot denies the allegations of material fact contained in paragraph 10 of the Complaint, including all subparagraphs, and demands strict proof thereof.

11. To the extent not expressly admitted herein, Home Depot denies each and every one of the allegations contained in the Complaint and demands strict proof thereof.

12. Home Depot denies that Plaintiffs are entitled to any of the relief for which they pray.

AFFIRMATIVE DEFENSES

13. As a separate and alternative affirmative defense, Home Depot asserts that the Plaintiff Christina Smith's own negligence was the sole cause, or, alternatively, a proximate cause, of the accident in question and Plaintiff's injuries and damages, if any.

14. As a separate and alternative affirmative defense, to the extent Plaintiff Christina Smith has sustained any injuries and/or damages, which Home Depot either denies or is without sufficient information, those injuries and/or damages were the direct and proximate cause and result of the Plaintiff's own failure to mitigate those damages.

15. As a separate and alternative affirmative defense, Defendant would show that Plaintiff Christina Smith's injuries, if any, were due to pre-existing conditions for which Defendant bears no responsibility.

16. As a separate and alternative affirmative defense, Home Depot affirmatively asserts that Plaintiffs fail to state a claim against Home Depot upon which relief can be granted.

17. Defendant Home Depot gives notice that it intends to rely upon and invoke any other defense or cross-claim that may become available or appear during the proceeding in this case and reserves its rights to amend this Answer and to assert a cross-claim, if appropriate, to include such additional defenses and affirmative actions.

WHEREFORE, Defendant Home Depot U.S.A., Inc., having fully answered Plaintiffs' Complaint for Personal Injury, prays that the Court dismiss this case with prejudice, award costs incurred in defending this action, and such other relief as the Court deems just and proper.

SIMONE, ROBERTS & WEISS, P.A.

“Electronically Filed”

/s/ Meena H. Allen
Meena H. Allen
Attorney for Defendant
11200 Lomas Blvd., N.E., Ste. 210
Albuquerque, NM 87112
(505) 298-9400
(505) 298-7070 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2014, I filed the foregoing electronically through the e-filing system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Victor A. Titus
2021 E. 20th Street
Farmington, NM 87401

/s/ Meena H. Allen
Meena H. Allen

EXHIBIT “B-7”

ELEVENTH JUDICIAL DISTRICT COURT
COUNTY OF SAN JUAN
STATE OF NEW MEXICO

CHRISTINA SMITH and LOREN SMITH,

Plaintiffs,

v.

Case No. D-1116-CV-2014-00406

HOME DEPOT U.S.A., INC.,

Defendant.

JURY DEMAND

Defendant, Home Depot U.S.A., Inc., hereby demands a trial by jury of six (6) jurors in the above entitled and numbered cause and states that the sum of \$150.00 was tendered on May 8, 2014, by Plaintiff.

SIMONE, ROBERTS & WEISS, P.A.

“Electronically Filed”

/s/ Meena H. Allen

Meena H. Allen

Attorney for Defendant

11200 Lomas Blvd., N.E., Ste. 210

Albuquerque, NM 87112

(505) 298-9400

(505) 298-7070 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2014, I filed the foregoing electronically through the e-filing system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Victor A. Titus
2021 E. 20th Street
Farmington, NM 87401

/s/ Meena H. Allen

Meena H. Allen

EXHIBIT “B-8”

ELEVENTH JUDICIAL DISTRICT COURT
COUNTY OF SAN JUAN
STATE OF NEW MEXICO

CHRISTINA SMITH and LOREN SMITH,

Plaintiffs,

v.

Case No. D-1116-CV-2014-00406

HOME DEPOT U.S.A., INC.,

Defendant.

CERTIFICATE OF SERVICE

I HEREBY certify that Defendant, Home Depot USA's, First Set of Interrogatories to Plaintiff, First Requests for Production to Plaintiff, and a copy of this Certificate of Service were mailed this 3rd day of September, 2014, to: Victor A. Titus, 2021 E. 20th Street, Farmington, New Mexico 87401.

SIMONE, ROBERTS & WEISS, P.A.

"Electronically Filed"

/s/ Meena H. Allen

Meena H. Allen
11200 Lomas Blvd., N.E., Ste. 210
Albuquerque, NM 87112
(505) 298-9400
(505) 298-7070 Facsimile